

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JOSE L. CORONADO,**

Plaintiff,

v.

**KATE BROWN *et al.*,**

Defendants.

Case No. 6:21-cv-148-SB

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on July 20, 2023. Judge Beckerman recommended that this Court grant Defendants’ motion to dismiss Plaintiff’s claims without leave to amend, because Plaintiff’s claims in this lawsuit are duplicative of his claims as a class member in the recently certified class action lawsuit of *Maney v. Brown*, Case No. 6:20-cv-570-SB, and Plaintiff does not allege that he opted out of that class action. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”). Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court reviews the F&R for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS the F&R, ECF 40. The Court GRANTS Defendants’ motion to dismiss, ECF 34, and DISMISSES Plaintiff’s claims without leave to amend, but without prejudice to Plaintiff’s claims in *Maney v. Brown*. The Court also finds that any appeal from this Order would be frivolous and thus would not be taken in “good faith” as that term is used in 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly, Plaintiff’s *in forma pauperis* status should be revoked.

**IT IS SO ORDERED.**

DATED this 15th day of August, 2023.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge